

108TH CONGRESS  
1ST SESSION

# H. R. 2057

To provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2003

Mr. MCINNIS (for himself, Mr. GREEN of Wisconsin, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. PETRI, and Mrs. MUSGRAVE) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Chronic Wasting Dis-  
3 ease Support for States Act of 2003”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) CHRONIC WASTING DISEASE.—The term  
7 “chronic wasting disease” means the animal disease  
8 afflicting deer and elk that—

9 (A) is a transmissible disease of the nerv-  
10 ous system resulting in distinctive lesions in the  
11 brain; and

12 (B) belongs to the group of diseases known  
13 as transmissible spongiform encephalopathies,  
14 which group includes scrapie, bovine spongiform  
15 encephalopathy, and Cruetzfeldt-Jakob disease.

16 (2) INDIAN TRIBE.—The term “Indian tribe”  
17 has the meaning given the term in section 4 of the  
18 Indian Self-Determination and Education Assistance  
19 Act (25 U.S.C. 450b).

20 **SEC. 3. FINDINGS.**

21 Congress finds the following:

22 (1) Pursuant to State and Federal law, the  
23 States retain primacy and policy-making authority  
24 with regard to wildlife management, and nothing in  
25 this Act interferes with or otherwise affects the pri-  
26 macy of the States in managing wildlife generally, or



1 managing, surveying, and monitoring the incidence  
2 of chronic wasting disease.

3 (2) Chronic wasting disease, the fatal neuro-  
4 logical disease found in cervids, is a fundamental  
5 threat to the health and vibrancy of deer and elk  
6 populations, and the increased occurrence of chronic  
7 wasting disease in regionally diverse locations in re-  
8 cent months necessitates an escalation in research,  
9 surveillance, monitoring, and management activities  
10 focused on containing and managing this lethal dis-  
11 ease.

12 (3) As the States move to manage existing lev-  
13 els of chronic wasting disease and insulate non-  
14 infected wild and captive cervid populations from the  
15 disease, the Federal Government should endeavor to  
16 provide integrated and holistic financial and tech-  
17 nical support to these States.

18 (4) Relevant Federal agencies should provide  
19 consistent, coherent, and integrated support struc-  
20 tures and programs for the benefit of State wildlife  
21 and agricultural administrators, as chronic wasting  
22 disease can move freely between captive and wild  
23 cervids across the broad array of Federal, State,  
24 tribal, and local land management jurisdictions.



1           (5) The Secretary of the Interior, the Secretary  
2           of Agriculture, and other affected Federal authori-  
3           ties can provide consistent, coherent, and integrated  
4           support systems under existing legal authorities.

5       **TITLE I—DEPARTMENT OF THE**  
6       **INTERIOR ACTIVITIES**

7       **SEC. 101. NATIONAL DATABASE REGARDING CHRONIC**  
8       **WASTING DISEASE.**

9           (a) INFORMATION REPOSITORY.—The Secretary of  
10          the Interior, acting through the United States Geological  
11          Survey and using existing authorities, shall establish and  
12          maintain the official national database for—

13               (1) surveillance and monitoring data regarding  
14               chronic wasting disease in both wild and captive  
15               cervid populations and other wildlife that is collected  
16               by the Department of the Interior, the Department  
17               of Agriculture, other Federal agencies, foreign gov-  
18               ernments, Indian tribes, and State agencies assisted  
19               under this Act; and

20               (2) other relevant information regarding chronic  
21               wasting disease received from other sources, includ-  
22               ing cooperation with foreign governments.

23           (b) INFORMATION SOURCE.—The national database  
24          shall be available as a resource for—



1 (1) Federal and State agencies, Indian tribes,  
2 and foreign governments attempting to manage and  
3 control chronic wasting disease;

4 (2) institutions of higher education and other  
5 public or private research entities conducting re-  
6 search regarding chronic wasting disease; and

7 (3) cooperating international wildlife authori-  
8 ties.

9 (c) RELATIONSHIP TO DEPARTMENT OF AGRI-  
10 CULTURE INFORMATION COLLECTION.—The data col-  
11 lected by the Department of Agriculture under title II  
12 shall be placed in the national database.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Secretary of the  
15 Interior \$1,500,000 to establish and maintain the national  
16 database. Funds appropriated pursuant to this authoriza-  
17 tion of appropriations shall remain available until ex-  
18 pended.

19 **SEC. 102. SURVEILLANCE AND MONITORING PROGRAM RE-**  
20 **GARDING PRESENCE OF CHRONIC WASTING**  
21 **DISEASE IN WILD HERDS OF DEER AND ELK.**

22 (a) PROGRAM DEVELOPMENT.—Using existing au-  
23 thorities, the Secretary of the Interior, acting through the  
24 United States Geological Survey, shall develop a national  
25 surveillance and monitoring program to identify—



1           (1) the rate of chronic wasting disease infection  
2       in wild herds of deer and elk;

3           (2) the cause and extent of the spread of the  
4       disease; and

5           (3) potential reservoirs of infection and vectors  
6       promoting the spread of the disease.

7       (b) IMPLEMENTATION.—The Secretary of the Inte-  
8       rior shall provide financial and technical assistance to  
9       States and Indian tribes to implement the surveillance and  
10      monitoring program for wild herds.

11      (c) COOPERATION.—In developing the surveillance  
12      and monitoring program for wild herds, the Secretary of  
13      the Interior shall consult and cooperate with State and  
14      tribal agencies responsible for managing and controlling  
15      chronic wasting disease.

16      (d) COORDINATION.—The Secretary of the Interior,  
17      in cooperation with the Secretary of Agriculture, shall es-  
18      tablish uniform standards for the collection and assess-  
19      ment of samples and data derived from the surveillance  
20      and monitoring program.

21      (e) AUTHORIZATION OF APPROPRIATIONS.—There  
22      are authorized to be appropriated to the Secretary of the  
23      Interior \$3,000,000 to establish and support the surveil-  
24      lance and monitoring program. Funds appropriated pursu-



1 ant to this authorization of appropriations shall remain  
2 available until expended.

3 **SEC. 103. SUPPORT FOR STATE EFFORTS TO MANAGE AND**  
4 **CONTROL CHRONIC WASTING DISEASE.**

5 (a) AVAILABILITY OF ASSISTANCE.—The Secretary  
6 of the Interior, acting through the United States Geologi-  
7 cal Survey, shall allocate funds appropriated to carry out  
8 this section directly to the State or tribal agency respon-  
9 sible for wildlife management for a State or Indian tribe  
10 that petitions the Secretary for a portion of such funds  
11 to develop and implement management strategies to ad-  
12 dress chronic wasting disease on lands administered by the  
13 State or Indian tribe.

14 (b) FUNDING PRIORITIES.—In determining the  
15 amounts to be allocated to States and Indian tribes under  
16 subsection (a), the Secretary of the Interior shall give pri-  
17 ority to States and Indian tribes based on the following  
18 criteria:

19 (1) Relative scope of incidence of chronic wast-  
20 ing disease on lands administered by the State or  
21 Indian tribe, with priority given to those States and  
22 Indian tribes with the highest incidence of the dis-  
23 ease.

24 (2) State or tribal expenditures on chronic  
25 wasting disease management, monitoring, surveil-



1        lance, and research, with priority given to those  
2        States and Indian tribes that have shown the great-  
3        est financial commitment to managing, monitoring,  
4        surveying, and researching chronic wasting disease.

5            (3) Comprehensive and integrated State or trib-  
6        al policies and programs focused on chronic wasting  
7        disease management between involved State or tribal  
8        wildlife and agricultural agencies, with priority given  
9        to those States and Indian tribes that have inte-  
10       grated the programs and policies of all involved  
11       agencies related to chronic wasting disease manage-  
12       ment.

13           (4) Rapid response to new outbreaks of chronic  
14        wasting disease, whether occurring in areas in which  
15        chronic wasting disease is already found or areas  
16        with first infections, with the intent of containing  
17        the disease in any new area of infection.

18        (c) AUTHORIZATION OF APPROPRIATIONS.—There  
19       are authorized to be appropriated to the Secretary of the  
20       Interior \$10,000,000 to support State and tribal efforts  
21       to manage and control chronic wasting disease. Funds ap-  
22       propriated pursuant to this authorization of appropria-  
23       tions shall remain available until expended.



1 **SEC. 104. EXPANSION OF UNITED STATES GEOLOGICAL**  
2 **SURVEY RESEARCH.**

3 (a) EXPANSION.—The Secretary of Interior, acting  
4 through the United States Geological Survey, shall expand  
5 and accelerate research on chronic wasting disease, includ-  
6 ing research regarding detection of chronic wasting dis-  
7 ease, genetic resistance, tissue studies, and environmental  
8 studies.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Secretary of the  
11 Interior \$3,000,000 to carry out subsection (a). Funds ap-  
12 propriated pursuant to this authorization of appropria-  
13 tions shall remain available until expended.

14 **TITLE II—DEPARTMENT OF**  
15 **AGRICULTURE ACTIVITIES**

16 **SEC. 201. SURVEILLANCE AND MONITORING PROGRAM RE-**  
17 **GARDING PRESENCE OF CHRONIC WASTING**  
18 **DISEASE IN CAPTIVE HERDS OF DEER AND**  
19 **ELK.**

20 (a) PROGRAM DEVELOPMENT.—The Secretary of Ag-  
21 riculture, acting through the Animal and Plant Health In-  
22 spection Service, shall develop a surveillance and moni-  
23 toring program to identify—

24 (1) the rate of chronic wasting disease infection  
25 in captive herds of deer and elk;



1           (2) the cause and extent of the spread of the  
2       disease; and

3           (3) potential reservoirs of infection and vectors  
4       promoting the spread of the disease.

5       (b) IMPLEMENTATION.—The Secretary of Agri-  
6       culture shall provide financial and technical assistance to  
7       States and Indian tribes to implement the surveillance and  
8       monitoring program for captive herds.

9       (c) COOPERATION.—In developing the surveillance  
10      and monitoring program for captive herds, the Secretary  
11      of Agriculture shall cooperate with State and tribal agen-  
12      cies responsible for managing and controlling chronic  
13      wasting disease.

14      (d) COORDINATION.—The Secretary of Agriculture,  
15      in cooperation with the Secretary of the Interior, shall es-  
16      tablish uniform standards for the collection and assess-  
17      ment of samples and data derived from the surveillance  
18      and monitoring program.

19      (e) AUTHORIZATION OF APPROPRIATIONS.—There  
20      are authorized to be appropriated to the Secretary of Agri-  
21      culture \$2,000,000 to establish and support the surveil-  
22      lance and monitoring program. Funds appropriated pursu-  
23      ant to this authorization of appropriations shall remain  
24      available until expended.



1 **SEC. 202. EXPANSION OF DIAGNOSTIC TESTING CAPACITY.**

2 (a) PURPOSE.—Diagnostic testing of samples col-  
3 lected under the surveillance and monitoring programs re-  
4 garding chronic wasting disease conducted by the Federal  
5 Government and States and Indian tribes, including the  
6 programs required by sections 102 and 201, will continue  
7 to be conducted by National Veterinary Services Labora-  
8 tories of the Animal and Plant Health Inspection Service  
9 and laboratories approved by the National Veterinary  
10 Services Laboratories, but current laboratory capacity is  
11 inadequate to process the anticipated sample load.

12 (b) UPGRADING OF FEDERAL FACILITIES.—The Sec-  
13 retary of Agriculture shall provide for the upgrading of  
14 Federal laboratories to facilitate the timely processing of  
15 samples from the surveillance and monitoring programs  
16 required by sections 102 and 201 and related epidemiolog-  
17 ical investigation in response to the results of such proc-  
18 essing.

19 (c) UPGRADING OF CERTIFIED LABORATORIES.—  
20 Using the grant authority provided under section 2(d) of  
21 the Competitive, Special and Facilities Research Grant  
22 Act (7 U.S.C. 450i(d)), the Secretary of Agriculture shall  
23 make grants to provide for the upgrading of laboratories  
24 to be certified by the Secretary to facilitate the timely  
25 processing of samples from the surveillance and moni-  
26 toring programs required by sections 102 and 201 and re-



1 lated epidemiological investigation in response to the re-  
2 sults of such processing.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated to the Secretary of Agri-  
5 culture \$2,500,000 to carry out this section. Funds appro-  
6 priated pursuant to this authorization of appropriations  
7 shall remain available until expended.

8 **SEC. 203. EXPANSION OF AGRICULTURAL RESEARCH SERV-**  
9 **ICE RESEARCH.**

10 (a) EXPANSION.—The Secretary of Agriculture, act-  
11 ing through the Agricultural Research Service, shall ex-  
12 pand and accelerate research on chronic wasting disease,  
13 including research regarding detection of chronic wasting  
14 disease, genetic resistance, tissue studies, and environ-  
15 mental studies.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to the Secretary of Agri-  
18 culture \$1,000,000 to carry out subsection (a). Funds ap-  
19 propriated pursuant to this authorization of appropria-  
20 tions shall remain available until expended.

21 **SEC. 204. EXPANSION OF COOPERATIVE STATE RESEARCH,**  
22 **EDUCATION AND EXTENSION SERVICE SUP-**  
23 **PORTED RESEARCH AND EDUCATION.**

24 (a) RESEARCH EFFORTS.—The Secretary of Agri-  
25 culture, acting through the Cooperative State Research,



1 Education and Extension Service, shall expand the grant  
2 program regarding research on chronic wasting disease.

3 (b) EDUCATIONAL EFFORTS.—The Secretary of Ag-  
4 riculture shall provide educational outreach regarding  
5 chronic wasting disease to the general public, industry and  
6 conservation organizations, hunters, and interested sci-  
7 entific and regulatory communities.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated to the Secretary of Agri-  
10 culture \$4,000,000 to carry out this section. Of the funds  
11 so appropriated, 75 percent shall be used to carry out sub-  
12 section (a) and 25 percent shall be used to carry out sub-  
13 section (b). Funds appropriated pursuant to this author-  
14 ization of appropriations shall remain available until ex-  
15 pended.

## 16 **TITLE III—GENERAL** 17 **PROVISIONS**

### 18 **SEC. 301. RULEMAKING.**

19 (a) JOINT RULEMAKING.—To ensure that the sur-  
20 veillance and monitoring programs and research programs  
21 required by this Act are compatible and that information  
22 collection is carried out in a manner suitable for inclusion  
23 in the national database required by section 101, the Sec-  
24 retary of the Interior and the Secretary of Agriculture  
25 shall jointly promulgate rules to implement this Act.



1 (b) PROCEDURE.—Due to the serious consequences  
2 of an unchecked chronic wasting disease epidemic, prompt  
3 implementation of this Act is required. The promulgation  
4 of the rules under subsection (a) shall be made without  
5 regard to—

6 (1) chapter 35 of title 44, United States Code  
7 (commonly known as the “Paperwork Reduction  
8 Act”);

9 (2) the Statement of Policy of the Secretary of  
10 Agriculture effective July 24, 1971 (36 Fed. Reg.  
11 13804), relating to notices of proposed rulemaking  
12 and public participation in rulemaking; and

13 (3) the notice and comment provisions of sec-  
14 tion 553 of title 5, United States Code.

15 (c) CONGRESSIONAL REVIEW OF AGENCY RULE-  
16 MAKING.—In carrying out this section, the Secretary of  
17 the Interior and the Secretary of Agriculture shall use the  
18 authority provided under section 808 of title 5, United  
19 States Code.

20 (d) RELATION TO OTHER RULEMAKING.—The re-  
21 quirement for joint rulemaking shall not be construed to  
22 require any delay in the promulgation by the Secretary  
23 of Agriculture of rules regarding the interstate transpor-  
24 tation of captive deer or elk or any other rule by the Sec-  
25 retary of Agriculture or the Secretary of the Interior re-



- 1   garding chronic wasting disease proposed before the date
- 2   of the enactment of this Act.

